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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/718,376
Filing Date: November 19, 2003
Appellant(s): FICKLE ET AL.

Thinh V. Nguyen (Reg. No. 42,034)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 23, 2010 appealing from the Office action mailed June 28, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-55

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0143565 A1	HEADINGS ET AL.	10-2002
2009/01441554 A1	SCHEIN	06-2009
2002/0143782 A1	HEADINGS ET AL.	10-2002
2002/0083006 A1	HEADINGS ET AL.	06-2002
2009/0138925 A1	HEADINGS ET AL.	05-2009
2002/0104093 A1	BUEHL ET AL.	08-2002
2002/0078174 A1	SIM ET AL.	06-2002
2003/0020744 A1	ELLIS ET AL.	01-2003
2003/0149988 A1	ELLIS ET AL.	08-2003
2005/0149964 A1	THOMAS ET AL.	07-2005

(9) Grounds of Rejection

1. The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-40 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. Regarding claim 1 and 20, recites a method comprising receiving metadata....., is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. For example, the feature of "receiving metadata..." could be performed by a person/operator/distributor

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and the VOD server could be video rental store; the feature of “delivery...” could be performed via mail.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 25-33, 38-43, 46-48, 51, 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Headings et al. (US 2002/0143565).

Note: US 2009/01441554 (hereinafter referred to as Schein), US 2002/0143782 A1 (hereinafter referred to as H782), application No. 09/921,107, application No. 09/921,096 (US 2009/0138925 A1 – hereinafter referred to as H925), US 2002/0083006 A1 (hereinafter referred to as H006) are incorporated by reference in Headings (see Headings: paragraphs 0031, 0033, 0035, 0042, 0051). Documents incorporated by

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reference in Headings are treated as part of text of the specification of Headings (see M.P.E. P 2163.07(b)).

Regarding claim 25, Headings discloses a method comprising:

ingesting content and metadata associated with the content provided by a content provider (depositing content and metadata associated with content provided by content supplier - figure 1, paragraphs 0008, 0012, 0044);

coordinating distribution of the metadata and the content (see include, but are not limited to, paragraphs 0008, 0044, 0050 and discussion in "response to arguments" above); Heading further discloses content supplier provides content and associated metadata to service platform 108 and the content and metadata are received by component in service platform 108 -see include, but not limited to, figure 1, paragraphs 0027-0033). Thus, the distribution must be using a pitcher (for example, transmitting interface in content supplier) and a catcher (for example, receiving interface in service platform 108), the pitcher transferring the content to a multiple service or system operator (MSO) and the catcher receiving the content so that the content is transmitted from the content supplier and received at the service platform.

Heading further discloses coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or system operator (MSO) (e.g., controlling and/or managing or determining when and how to transfer/distribute content from service platform and/or supply depository to other location such as media platform for delivery

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to an end user according to scheduling and business ruled provided by and/or stored in service platform - see include, but are not limited to, figures 1, 5-6, 13-14, paragraphs 0008, 0012, 0030, 0033-0044, 0050).

Regarding claim 26, Headings further discloses providing visibility into usage of the content (see include, but not limited to, paragraph 0044).

Regarding claim 27, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses registering the content (see include, but are not limited to, paragraphs 0012, 0028-0029, 0033, 0044);

coordinating accessing the content located in one of the internal location and external location (e.g., coordinating accessing the content located in of the internal location and external location according to business rules and/or media related metadata -see include, but not limited to, paragraphs 0012, 0028-0029, 0031-0034, 0044; H925: paragraph 0037).

Regarding claim 28, Headings discloses the method as discussed in the rejection of claim 27. Headings further discloses further discloses assigning a provider identifier to the content provider (e.g., assigning user name/name to content supplier - see include, but not limited to, paragraph 0044; H782: paragraph 0033);

assigning a global unique identifier to the content based on the provider identifier and a provider asset identifier (e.g., assigning related data and/or title and/or unique

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identifier to the content of media asset based on content supplier identifier such as user name and related data, title, etc. of asset data - see include, but not limited to, paragraphs 0028, 0033, 0035, 0044-0045; H782: paragraph 0032).

Regarding claim 29, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses receiving the business rules from the MSO (see include, but not limited to, paragraphs 0008, 0012, 0029-0030, 0044);

validating the metadata and the content using the business rules (see include, but not limited to, paragraphs 0012, 0028-0033, 0039-0041, 0044, 0046).

Regarding claim 30, Headings discloses the method as discussed in the rejection of claim 29. Headings further discloses receiving the business rules comprises: receiving the business rules including at least one of a rating filter, a pricing rule, a category rule, and a platform conversation rule (e.g., a pricing rule such as price, price range, category rule, parental control, etc. - see include, but not limited to, paragraphs 0012, 0029; H782: paragraph 0029).

Regarding claim 31, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses ingesting comprises: customizing an electronic program guide (EPG) (e.g., customizing menu with information regarding media assets such as title, category/genre, etc. - see include, but not limited to, paragraphs 0028, 0033-0035, 0042; H782: paragraphs 0028-0029, 0031-0033).

Regarding claim 32, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses ingesting comprises: providing an interface to allow a user to view and analyze metadata and scheduling information associated with the content (see include, but not limited to, paragraphs 0028, 0031-0032, 0041, 0044-0047; H782: paragraphs 0028-0029).

Regarding claim 33, Headings discloses the system as discussed in the rejection of claim 25. Headings further discloses interacting with an asset distribution system (ADS) to facilitate delivery of the content from a content provider to the MSO, the ADS including a pitcher and a catcher (activating component in content supplier for transmitting content and component in system operator for receiving the content from content supplier – see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0044: H006: figures 1-2, 14-15).

Regarding claim 38, Headings discloses the method as discussed in the rejection of claim 26. Headings further discloses providing visibility into usage of the content comprises: preparing a usage report (e.g., collecting information for usage report -see include, but not limited to, paragraphs 0011, 0014, 0039-0040, 0042, 0044, 0046);
providing access to the usage report to a multiple service or system operator (MSO) or a content provider (see include, but not limited to, paragraphs 0011, 0014, 0039-0040, 0042, 0044, 0046).

Regarding claim 39, Headings teaches the method as discussed in the rejection of claim 38. Headings further discloses creating a master reporting database including usage information from across a MSO network (see include, but not limited to, paragraphs 0011, 0014, 0039-0040, 0042, 0044, 0046, 0060).

Regarding claim 40, Headings teaches the method as discussed in the rejection of claim 39. Headings further discloses preparing the usage report comprises exporting the usage report to an analysis system (e.g., exporting the usage report to royalty reporter and/or subscriber management system and/or other system for analysis - see include, but not limited to, paragraphs 0014, 0039-0040, 0044, 0056, 0060).

Regarding claim 41, the limitations of the system that correspond to the limitations of the method of claim 25 are analyzed as discussed in the rejection of claim 25, wherein the external layer to interface to an application client is interpreted as service platform interface to application of content supplier - see include, but are not limited to, figure 1, paragraphs 0008, 0028, 0044);

Headings further discloses a component programmatic application program interface (API) coupled to the external layer to interface with a plurality of engines (interpreted as supplier console and/or DESP control console and/or user service console and/or service platform 108 and/or website portal - see include, but not limited to, figure 1, paragraphs 0028, 0031, 0043-0048) comprising:

a workflow engine to manage workflows of ingesting a content and metadata associated with the content provided by a content provider, coordinating distribution of the metadata and the content, and coordinating uploading the metadata and the content to a server (e.g., media server or local server) for delivery to an end user (consumer) according to scheduling (e.g., roll out schedule) and business rules provided by a multiple service or systems operator (MSO) - see discussion in the rejection of claim 25 and paragraphs 0032, 0028-0031, 0035, 0044, 0050; H006: figures 1-2, 14-16, paragraphs 0042, 0044-0045); and

a relational database to store the metadata (e.g., related metadata are indexed and stored in content management system 110 or other designed area (e.g., database 132) -figure 1, paragraphs 0011, 0028, 0034). See also discussion in “responses to arguments”.

Regarding claim 42, Headings discloses the system as discussed in the rejection of claim 41. Headings further discloses the plurality of engines further comprises:

a business object engine to managing business rules associated with the content, the business rules being provided by the MSO (see include, but not limited to, figure 1, paragraphs 0012, 0028-0029, 0032, 0044-0045; H006: paragraphs 0042, 0038; H782: paragraphs 0029-0031);

a package engine to manage packaging the content (e.g., engine in subscriber service system and/or content management 110 and content production application,

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etc. to manage preparation, programming, and distribution of media assets - see include, but not limited to, paragraphs 0031-0042);

a scheduling engine to schedule deployment of the content (engine for scheduling roll out and transmitting of the content - see include, but not limited to, paragraphs 0031-0042, 0050, 0056-0057; H782: paragraphs 0029-0030, 0041b 0053-0054);

a platform converter engine to customize an electronic program guide (EPG) designed by the MSO (see include, but not limited to, paragraphs 0032-0033, 0035, 0041-0043, 0050, 0056-0057; H006: paragraphs 0038-0039, 0042, 0057, wherein "EPG" is interpreted as guide/menu comprises media asset information such as title, author, prices, etc.);

a localization engine to localize the content (engine to customize content to target particular group/local server - see include, but not limited to, paragraphs 0032-0033, 0035, 0041-0043, 0050, 0056-0057; H006: paragraphs 0038-0039, 0042, 0057).

Regarding claim 43, Headings discloses the system as discussed in the rejection of claim 41. Headings further discloses a Web service API to facilitate communication used by one of the MSO and the content provider (e.g., website portal and/or Web interface for supplier to enter media assets, metadata and/or business rules - see include, but not limited to, figure 1, paragraphs 0028-0029, 0041, 0044, 0048; H006: figures 1-2).

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Regarding claim 46, the limitations that correspond to the limitations of claim 41 are analyzed as discussed in the rejection of claim 41. Headings further discloses a server (e.g., one of servers in 108 and/or central server - see include, but not limited to, figure 1; H006: figures 1-2, 14);

a distribution network coupled to the server to distribute content provided by a content provider (network coupled to the server to distribute content provided by content supplier -see include, but are not limited to, figure 1, paragraphs 0030-0035, 0043, 0050; H006: figures 1-2, 14);

a content management system (e.g., content management and/or subscriber management) coupled to the server and the distributing network (see include, but are not limited to, figure 1, paragraphs 0031-0041, 0050; H006: figures 1-2, 14-15).

Regarding claims 47-48, the additional limitations that correspond to the additional limitations of claims 42-43 are analyzed as discussed in the rejection of claims 42-43.

Regarding claim 51, Headings teaches the system as discussed in the rejection of claim 46. Heading further discloses the distribution network comprises:

a pitcher used by the content provider to transmit the content and the metadata to the MSO via a distribution channel (transmitting component used by content supplier to transmit the content and metadata to the content user/operator via a channel between the content supplier and content user - see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0035, 0041);

a catcher used by the MSO to receive transmission from the pitcher via a downlink channel (any component used by user content/operator to receive transmission from transmitting component via a channel between the content supplier and content user/operator - see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0031, 0041, 0044 and discussion in "response to arguments" above).

Regarding claim 53, Headings further discloses one of the pitcher and the catcher communicates with the content management system via a network communication (see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0031-0032, 0041, 0043-0044: H006, figures 1-2, 14-15).

Regarding claim 54, Headings further discloses the catcher receives the content locally using one of a physical medium, a local network, and a terrestrial based network (see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0031-0032, 0041, 0043-0044: H006, figures 1-2, 14-15).

Regarding claim 55, Headings further discloses wherein the content is one of a VOD content, an asset data file, a broadcast content, and a network content (see include, but not limited to, figure 1, paragraphs 0011, 0031).

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headings in view of Buehl et al. (US 2002/0104093).

Regarding claim 52, Headings discloses the system as discussed in the rejection of claim 51. Headings does not explicitly disclose the distribution channel comprises a satellite uplink facility and the downlink channel comprises a satellite downlink facility.

Buehl discloses using high speed distribution network includes satellite link for content provider to provide content to headend (see include, but not limited to, paragraph 0026, figures 1). Thus, the distribution channel comprises a satellite uplink facility and the downlink channel comprises a satellite downlink facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by Buehl in order to yield predictable results such as to provide content to the head and faster or to provide an alternative link for distributing content.

8. Claims 1-24 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. (US 2002/0143565 A1) in view of Sim et al. (US 2002/0078174 A1).

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Regarding claim 1, Headings discloses a method comprising:

receiving metadata associated with a multimedia asset data file provided by at least one of a content provider and a multiple service or system operator ("MSO"), the multimedia asset data file having a content element with which the metadata is associated and being delivered to end users upon requested, the metadata related to at least accuracy of delivery of the multimedia asset data file (receiving metadata associated with media asset (e.g., movies, music videos, television programs, live events, games, etc.) provided by at least one of a content supplier and a multiple service or system operator ("MSO"), the media assets such as movies, television programs, etc. having a content element such as video elements, audio elements, etc. etc. which the metadata is associated and delivered to users upon requested, the metadata is used to identify the desired asset and delivered desired/requested asset to predetermined location/date or time – see include, but not limited to, figures 1-2, paragraphs 0008, 0011, 0012, 0014, 0028, 0033, 0035, 0044, 0046, 0050, 0059-0060; H782: 0027, 0029; H782: paragraphs 0033-0035; H925: paragraphs 0006-0007);

validating the multimedia asset data file and the associated metadata by determining if the multimedia asset data file and the associated metadata comply with business rules provided by the MSO (validating the media asset data file and the associated metadata by determining if the media data files and associated metadata comply with business rules such as geographic location, bit rate service, service provider, encryption, price, price range, method of delivery, time frame, or password,

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etc. - see include, but not limited to, paragraphs 0012, 14, 0028-0032, 0035, 0044-0045;

H782: paragraphs 0029, 0030, 0034);

coordinating delivering the multimedia asset data file and associated metadata to a video on demand ("VOD") server maintained by the MSO (e.g.,

coordinating/controlling delivering the media asset file and associated metadata to servers in media platform(s) - see include, but not limited to, figures 1-4, paragraphs 0050 -0051; H782: paragraph 0041; H925: paragraph 0009);

providing usage reports relating to usage of multimedia asset data files by end users of the MSO (providing report of consumer usage of media assets -see include, but not limited to, paragraphs 0039 -0040, 0042, 0044, 0046, 0059-0061).

Heading further discloses coded information regarding the use of the content for tracking or targeting purposes (paragraph 0033); media content usage may be tracked by subscriber management system (paragraphs 0040, Headings does not explicitly disclose tracking distributing the multimedia from one location to another location (i.e., from the content provider to the MSO, and tracking uploading the multimedia asset data file from the MSO to the VOD server).

Sim discloses coordinating delivering comprises tracking distributing the multimedia asset data file from the content provider to the MSO, and tracking uploading the multimedia asset data file from the MSO to the VOD server (e.g., tracking delivering asset of large file from content provider to CMS and/or root distribution server and from CMS/distribution server to other distribution server/edge server using metadata and

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“ack”/notification – see include, but are not limited to, figures 5-6, 13-14, paragraphs 0102-0111, 0204).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teachings including tracking distributing of multimedia asset data file from one location to another location as taught by Sim in order to yield predictable results such as to identify delivery interruption or delivery error or to locate desired data easily.

Regarding claim 2, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses the metadata are provided by at least one of the plurality of content providers and a plurality of MSOs (see include, but not limited to, Headings: paragraphs 0012, 0028, 0033; H782: paragraphs 0029).

Regarding claim 3, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking distributing comprises: tracking receipt (e.g, “ack”/notification) of the multimedia asset data file in elements, the elements comprises at least one of a feature file, a preview file, a graphic file, and associated basis metadata, wherein the associated basic metadata comprises information on the elements used to confirm delivery of the elements (see include, but are not limited to, Sim: paragraphs 0094-0097, 0102, 0104, 0108-0111, 0166, 0204, 0209-0217);

Headings in view of Sim further discloses receiving an identification of the MSOs scheduled to receive the multimedia asset data file from the content provider, and receiving delivery dates for delivery of the multimedia asset data file to each of the MSOS (see include, but are not limited to, Sim: paragraphs 0094-0095, 0102, 0108-0109, 0134, 0186, 0211-0213, 0238); and

receiving delivery dates for delivery of the multimedia asset data file to each of the MSOs (see include, but are not limited to, Headings: 0012: H782: paragraphs 0004, 0029, 0034-0035; Sim: paragraphs 0094-0095, 0102, 0108-0109, 0134, 0186, 0211-0213, 0238).

Regarding claim 4, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking distributing comprises tracking distributing using a delivery group, the delivery group comprises a plurality of multimedia asset data file (tracking delivery of video/large file comprises portions of the large file - see include, but are not limited to, Sim paragraphs 0094-0097, 0102, 0104, 0108-0111, 0166, 0204, 0209-0217; see also Headings: paragraphs 0008, 0035, 0040-0041, 0056).

Regarding claim 5, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking distributing comprises:

registering the multimedia asset data file in order to identify the file, wherein registering the multimedia file comprises:

assigning a provider identifier to the content provider, and assigning a unique identifier to the multimedia asset data file provided by the content provider based upon the provider identifier and a provider asset identification, the provider asset identification being included with the multimedia asset data by the content provider (see include, but are not limited to, Sim: paragraphs: 0094, 0166-0167, 0204-0217).

Regarding claim 6, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses the tracking receipt comprises: staging the multimedia asset data file by entering a name for the multimedia asset data file into a staging directory (see include, but are not limited to, Sim: paragraphs 0204-0217);

providing a master markup language file (file for metadata, large file, or video program), the master markup language file comprising distribution information, scheduling information, content information, and an identification for the multimedia asset data file, wherein the content information comprises data to enable retrieval of a plurality of elements to assemble the multimedia asset data file (see include, but are not limited to, Sim: paragraphs 0076-0082, 0092-0095, 0108-0111, 0166, 0204-0217, 0231-0243, 0264-0267; Headings: paragraphs 0033-0034, 0044, 0056; H782: paragraphs 0027, 0029, 0041).

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Regarding claim 7, Headings in view of Sim discloses the method as discussed in the rejection of claim 6. Headings in view of Sim further discloses the elements used to assemble the multimedia asset data file comprises a movie or feature file, a preview file, and a graphic file (e.g., movie - see include, but are not limited to, Sim: paragraphs 115, 121, 148; Headings: paragraphs 0011, 0033; H782: paragraphs 0027, 0035).

Regarding claim 8, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking transmission a plurality of elements of the multimedia asset data file to the MSO using a pitcher appliance (e.g., MSM, or root distribution server - see include, but are not limited to, Sim: figures 4-6, paragraphs 0094-0095, 0109, 0204-0211);

tracking receipt of the elements of the multimedia asset data file using a catcher applicant (e.g., distribution server or edge server - see include, but are not limited to, Sim: figures 4-6, paragraphs 0106, 0110, 0111, 0077, 0094, 0166);

receiving an alarm if one of the elements of the multimedia asset data file is not successfully received by the catcher application (e.g., receiving error, notification, or any information indicates the portion is not received/missing at the distribution server/edge server - see include, but are not limited to, paragraphs 0204, 0166).

Regarding claim 9, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses providing an asset locator identifying the multimedia asset data file to the VOD server (providing asset locator

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identifying the multimedia asset file to the distribution server/edge server – see include, but are not limited to, Sim: figures 15-18c, paragraphs 0166, 0206, 0209-0213, 0231-0232);

providing a schedule to the VOD server comprising instruction for the VOD server to request the multimedia asset data file from a catcher and the metadata, and tracking retrieval of the multimedia asset data file and associated metadata by initiating file transfers using the asset locator (see include, but are not limited to, Sim: figures 15-18c, paragraphs 0166, 0209-0213, 0231-0232, 0238-0244, 0253).

Regarding claim 10, Headings in view of Sim discloses the method as discussed in the rejection of claim 9. Headings in view of Sim further discloses using file transfer protocol (FTP) transfer (Sim: paragraphs 0081, 0115; Headings: paragraph 0027).

Regarding claim 11, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses providing an asset locator identifying an element of the multimedia asset data file to the VOD server, the VOD server submitting the asset locator to a catcher appliance (e.g., providing data file locator/identifier in metadata to the root DS, root DS submits the data file locator/identifier to a another distribution server/edge server - see include, but are not limited to, Sim: figures 3-7, 13-14, paragraphs 0094, 0166, 0207-0214, 0231-0232; See also Headings: figures 1, paragraphs 0033, 0035, 0050; H925: figures 1-2, 5, paragraphs 0029, 0032, 0038);

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tracking transmission of the element from the catcher appliance to the VOD server using the asset locator to retrieve the element (tracking transmission of the file from the CMS or root distribution server to another DS or edge server using asset locator/identifier to retrieve the file - see include, but are not limited to, Sim: figures 3-7, 13-14, paragraphs 0094, 0116, 0207-0214, 0231-0232).

Regarding claim 12, Headings in view of Sim discloses the method as discussed in the rejection of claim 11. Headings in view of Sim further discloses receiving an alarm from the VOD server if the element is not properly received (see similar discussion in the rejection of claim 8).

Regarding claim 13, Headings in view of Sim discloses the method as discussed in the rejection of claim 12. Headings in view of Sim further discloses performing a follow up or diagnosis upon receiving the alarm indicating that the element is not properly received (e.g., in response to receiving notification, error, missing information, retransmitting or retrieving the file that is missing at the distribution server/edge server - see include, but are not limited to, Sim: paragraphs 0109-0111, 0166-0167, 0116-0117, 0231-0232).

Regarding claim 14, Headings in view of Sim discloses the method as discussed in the rejection of claim 9. Headings in view of Sim further discloses URL applies to all the servers (Sim: paragraph 0018) or using URL to retrieve ad asset or other data asset file (Headings: paragraph 0053; H925: par. 0050; H782:0038). It would have been obvious

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to one of ordinary skill in the art to incorporate asset locator is asset URL in Heading in view of Sim in order to yield predictable results such as to retrieve the asset from the Internet easily.

Regarding claim 15, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses receiving from the VOD server data on feature elements requested by end users of the MSO (receiving instruction, request and/or usage data from media platform server and/or servers connected to public service interface and/or private service interface -see include, but not limited to, figure 1, paragraphs 0050, 0053, 0040, 0059-0061);

creating a master reporting database using the data on feature elements requested by end user (creating reporting database/ preferences profile database using viewing information/program watched by end users - see include, but are not limited to, Headings: figure 1, paragraphs 0040, 0050, 0053, 0059-0061);

generating a usage report using the data contained in the master reporting database (generating a usage report using the data contained in the master reporting database to provide to content supplier – see include, but not limited to, paragraphs 0040, 0050, 0053, 0059-0061).

Regarding claim 16, Headings in view of Sim discloses the method as discussed in the rejection of claim 15. Headings further discloses content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and

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receive periodic royalty payments on that asset in accordance with their business rules (paragraph 0012). Supplier console permits a content supplier to remotely deposit its media assets, managing its media assets using business rules to control the distribution of and revenue generated from the media assets, and track consumer usage of its media assets to assist in consumer marketing decision. Content suppliers may access information collected by service platform relating to its media assets and other associated materials. This information may include content usage information such as the number of times a consumer has viewed its media assets or purchased its products, as well as content distribution and royalty reports. The content supplier may also use supplier console to create or supply business rules for association with one or more media assets supplied. The content supplier may be provided with a user name and a unique password to access the information on service platform (see paragraph 0044, 0046, 0059-0061). Thus, Heading's disclosure is read on providing usage reports comprises: restricting access by a content provider to the data contained in the master reporting database using the business rules provided by the MSO (e.g., usage name, password, or other information in business rules provided by MSO, operator and/or management system).

Regarding claim 17, Headings in view of Sim discloses the method as discussed in the rejection of claim 15. Headings further discloses providing usage reports comprises: analyzing the usage report to determine end user viewing characteristics (see include, but are not limited to, paragraphs 0040-0042, 0044, 0053, 0056-0061); and

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generating an advertising play list targeted to an end user based upon the viewing characteristic of the end user, wherein the advertising play list comprises advertising selected based upon the viewing characteristics of the end user (see include, but are not limited to, paragraphs 0033, 0041-0042, 0044, 0053, 0056-0057).

Regarding claim 18, Headings in view of Sim discloses the method as discussed in the rejection of claim 17. Headings further discloses providing usage reports comprises: supplementing a multimedia asset data file with data contained in the usage report, wherein the usage report comprises usage data for the multimedia asset data file (see include, but not limited to, paragraphs 0033, 0041-0042, 0044, 0053, 0056-0057, 0059-0061).

Regarding claim 19, Headings in view of Sim discloses the method as discussed in the rejection of claim 15. Headings further discloses providing usage reports comprises:

- analyzing the usage report to determine end user viewing characteristics (see include, but are not limited to, paragraphs 0040-0042, 0044, 0053, 0056-0061);

- selecting multimedia asset data file based upon end user viewing characteristics (see include, but are not limited to, paragraphs 0033, 0041-0042, 0044, 0053, 0056-0061);

- performing a campaign management function chosen from the group consisting of bundling selected multimedia asset data file, setting pricing for selected multimedia asset data files, and setting promotions for selected multimedia asset data file (see

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include, but are not limited to, paragraphs 0012, 0028, 0033, 0045, 0056; H762: paragraphs 0029b 0032).

Regarding claim 20, Headings discloses a method comprising:

receiving a plurality of multimedia asset data files having content elements from a plurality of content providers (receiving a plurality of media assets having content elements from a plurality of content suppliers - see include, but not limited to, figure 1, paragraphs 0008, 0011, 0044);

receiving metadata associated with the content elements in the plurality of multimedia asset data files from at least one of the plurality of content providers and a plurality of multiple service or system operators (MSOs), the metadata related to at least accuracy of delivery of the multimedia asset data files (see discussion in the rejection of claim 1 and paragraphs 0008, 0011, 0044, 0033);

receiving business rules provided by the MSO, the business rules corresponding to the multimedia asset data file and being identified with particular MSOs (see include, but not limited to, paragraphs 0012, 0028, 0029, 0044);

coordinating uploading the multimedia asset data file to a video on demand (VOD) server maintained by the MSO using an asset locator assigned to each multimedia asset data file (see discussion in the rejection of claim 1 and paragraphs 0045, 0050, 0057; H782: paragraphs 0029-0031, 0034-0035, 0041-0043, 0057; H925: paragraphs 0012, 0029, 0032).

Headings does not explicitly disclose tracking uploading the multimedia asset data files.

Sim discloses tracking uploading the multimedia asset data files (see discussion in the rejection of claim 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by Sim in order to provide a benefit as discussed in the rejection of claim 1.

Regarding claim 21, Headings in view of Sim teaches the method as discussed in the rejection of claim 20. Sim further discloses validating the multimedia asset data file and determining if the associated metadata comply with business rule provided by the MOSs (see discussion in the rejection of claim 1).

Regarding claim 22, Heading in view of Sim discloses the method as discussed in the rejection of claim 20. Headings in view of Sim further discloses coordinating uploading the associated metadata for the multimedia asset data files to the VOD servers (coordinating/arranging uploading metadata for media asset files to media server and/or local server , etc. see include, but not limited to, Headings: figure 1, paragraphs: 0032-0033, 0035, 0041-0042, 0050, 0056-0057; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052);

distributing a localized master schedule to each MSO (distribute a schedule to each local server and/or media server and/or system operator - see include, but not

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limited to, Headings: figure 1, paragraphs: 0032-0033, 0035, 0041-0042, 0050, 0056-0057; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052);

providing a schedule update to each MSO at regular intervals (e.g. periodically, weekly, etc. - see include, but not limited to, Headings: figure 1, paragraphs: 0032-0033, 0035, 0041-0042, 0050, 0056-0057; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052).

Regarding claim 23, Headings in view of Sim discloses the method as discussed in the rejection of claim 22. Heading in view of Sim further discloses tracking uploading the multimedia asset data files and the associated metadata to the VOD servers by reference to each MSO's localized master schedule (see include, but not limited to, Headings: paragraphs 0032-0035, 0039-0042, 0050, 0059'0061; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052; Sim: paragraphs 0108-0111, 0166).

Regarding claim 24, Headings in view of Sim discloses the method as discussed in the rejection of claim 22. Headings in view of Sim further discloses each schedule update comprises instruction for inserting and deleting multimedia asset data files from each MSO's localized master schedule (see include, but not limited to, Headings: paragraph 0035; H006: paragraphs 0044-0047).

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Regarding claim 34, Headings discloses the method as discussed in the rejection of claim 33. Headings further discloses receiving information regarding when a transmission of an element of the content is initiated from the pitcher (see include, but not limited to, paragraphs 0012, 0028-0029, 0032, 0033, 0044; H782: paragraphs 0027, 0029, 0033, 0035);

tracking a request from a server to release the content received by the catcher (see include, but not limited to, paragraphs 0050, 0055-0056, 0059-0061).

Headings further discloses content management automates the content management workflow, from receipt of media assets and related data (paragraph 0032). However, Headings does not explicitly disclose requesting retransmission of the element if an alarm is received from the catcher.

Sim discloses receiving information regarding when a transmission of an element of the content is initiated from the pitcher (see include, but are not limited to, paragraphs 0094-0098, 0102, 0109, 0213); requesting retransmission of the content if an alarm is received from the catcher (e.g., request for missing or destroyed file if an alarm, notification or error, etc. is received from the receiver of distribution server/edge server - see include, but are not limited to, paragraphs 0166-0167, 0190, 0204); Sim further discloses tracking a request from a server to release the content received by the catcher (see include, but are not limited to, paragraphs 0166-0167, 0213, 0238).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teachings as taught by Sim in order to

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yield predictable results such as to notify content provider of missing data or to prevent interruption of content and a file.

9. Claims 35-37, 44-45, 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headings in view of Ellis et al. (US 2003/0020744 A1 - hereinafter referred to as E744).

Note: US 2003/0149988 (referred to as E988) and US 20050149964 (referred to as Thomas) are incorporated by references in their entirety in E744 (see E744: paragraphs 0104, 0108). All application/patents incorporated by references in E744 in their entirety are treated as portion of the specification of E744.

Regarding claim 35, Headings discloses the method as discussed in the rejection of claim 25. Headings providing a customized or localized master schedule for the MSO to the server, the master schedule having an asset locator (providing schedule targeting to particular server or local server, the schedule/menu having an asset locator such as locator of storage that store the asset and/or URL – see include, but not limited to, discussion in the rejection of claim 22);

receiving a metadata locator corresponding to the content from the server (e.g., receiving a metadata locator such as URL and/or location of content from the media server and/or local server – see include, but not limited to, paragraphs 0035, 0041-0043, 0050, 0053; H006: paragraphs 0056);

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receiving an asset locator to the server in response to the metadata locator, the server retrieving an element of the content from a catcher using the asset locator (see include, but not limited to, paragraphs 0035, 0041-0043, 0050, 0053; H006: paragraphs 0056); and

interacting with the server during transfer of the element of the content from the catcher to the server (see include, but not limited to, paragraph 0036, 0050).

However, Headings does not explicitly disclose receiving a schedule request from a server.

E744 discloses receiving a schedule request from a server (e.g., receiving request for a particular schedule from local server – see include, but not limited to, figures 5-8c, paragraphs 0039, 0044, 0046, 0068); E744 also discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset locator (distributing a customized program guide schedule to television distribution facility/node, and the program guide having asset locator such as channel source, time, etc. – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007, 0044, 0046, 0068 and discussion in “response to arguments” above). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by E744 in order to yield predictable results such as to provide schedule to user at desired time.

Regarding claims 36-37, Headings in view of E744 discloses the method as discussed in the rejection of claim 35. Sim in view of E744 does not explicitly discloses

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retransmitting the asset locator upon receiving an alarm from the server indicating that the asset locator is not received properly by the server or performing a follow-up or diagnosis upon receiving an alarm from the server indicating that the element is not received properly by the server. Official Notice is taken that retransmission the asset locator upon receiving an alarm/notification from receiving device at receiving site indicating the asset locator is not received properly by the receiving device or performing a follow-up or diagnosis upon receiving an alarm from the server indicating that the element is not received properly by the server is well-known in the art. For example, retransmitting location information of content when a notification or information from the receiving device indicating the data is not received correctly or not received at all. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings in view of E744 with the well-known teaching in the art in order to yield predictable results such as to prevent the loss of content or prevent interruption.

Regarding claim 44, Headings discloses the system as discussed in the rejection of claim 43. Headings further discloses registering the content (see discussion in the rejection of claim 27) and a schedule to distribute or upload the content (see discussion in the rejection of claim 35). However, Headings does not specifically discloses receiving a schedule request from the server.

E744 discloses receiving a schedule request from a server (e.g., receiving request for a particular schedule from local server – see include, but not limited to,

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figures 5-8c); E744 also discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset locator (distributing a customized program guide schedule to television distribution facility/node, and the program guide having asset locator such as channel source, time, etc. – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by E744 in order to yield predictable results such as to provide schedule to user at desired time.

Headings further discloses content management automates the content management workflow, from receipt of media assets 102 and related data (paragraph 0032). It would have been obvious to one of ordinary skill in the art to incorporate in Headings the teaching of receiving a confirmation call from one of a pitcher (transmitting component) and a catcher (receiving component) regarding the status of transfer of an element of the content in order to yield a predictable results such as to prevent data loss or to improve convenience for identifying interruption of data transmsion.

Regarding claim 45, Headings in view of E744 further discloses receiving a metadata request from the server for localized package metadata (see include, but not limited to, Headings: paragraphs 0035, 0050; E744: figures 5-8, 18-23);

receiving a reporting call from the server to deliver usage report (see include, but are not limited to, Headings: paragraphs 0039, 0044, 0055, 0059-0061).

Regarding claims 49-50, the additional limitations that correspond to the additional limitations in claims 44-45 are analyzed as discussed in the rejection of claims 44-45.

(10) Response to Argument

A. Claims 1-40 are directed to statutory subject matter under 35 U.S.C § 101

(pages 16-21).

Appellant argues claims 1-40 satisfy the machine or transformation test because the process claim is tied to a particular machine, or the claim transforms an article. In particular, Applicant argues the claim is tied to a particular machine or apparatus because elements involve "metadata," "a multimedia asset data file," "a content element", "a content provider"... are physical entities and represent a particular apparatus..”(page 17, paragraph 4-page 19, paragraph 6, page 20, paragraph 4-page 21, line 2); and the claim transforms of an article because the claim, among other things, transforms the multimedia asset data file and the associated metadata from one location to another location. (page 19, paragraph —page 20, page 21, paragraph 3). This argument is respectfully traversed.

It is noted that as pointed out by Appellant, In Abele (referred to as Bilski), the data represent the X-ray attenuation data produced in a two-dimensional field by a computed tomography scanner. The Bilski court states that this data clearly represents physical and tangible objects, namely the structure of bones, organs, and other body tissues. (Appellant’s argument, page 20, paragraph 3). Thus, the “multimedia asset data

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file," "content elements," "VOD server," "asset locator," "content provider," "MSO," recited in the claims are not "physical objects" according to Bilski because they are not bones, organ, other body tissues.

Bilski - "tied to a particular machine" prong:

The instant claims are not positively tied to a particular machine that accomplishes the claimed method steps ("A machine is a concrete thing, consisting of parts, or of certain devices and combination of mechanical powers and devices to perform some function and produce a certain effect or result," In re Ferguson, 558 F. 3d 1359, 1364 (Fed. Cir. 2009) (quoting In re Nuijten, 500 F. 3d 1364, 1355 (Fed. Cir. 2007), reh'g denied en banc, 515 F.3d 1361 (Fed. Cir. 2008), and cert. denied, 129 S. Ct. 10 (2008)). Claims 1 and 20, recites a method comprising receiving metadata....., is broad enough that the claim could be completely performed mentally, verbally or without a machine. For example, the feature of "receiving metadata..." could be performed by a person/operator/distributor at a facility receiving file in a packet with notes or information associated with the multimedia asset data file; the step of "validating the multimedia asset data file..." could be performed by a person/operator at a facility that receives the packet and look into the content and/or information provided with the packet and determine what to do with the packet (e.g., to send it now, send it later, etc.); the step of "coordinating delivery..." could be performed by a person/operator coordinating delivery by tracking whether the packet with content is received, if received, whether content is sent to another location or still in the facility; and step of "providing a usage reports...."

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could be interpreted as providing usage reports in a piece of paper, the usage report relating to usage of multimedia asset data in the packet by end user of the facility.

Therefore, claims 1 and 12 are not tied to a particular machine as required in "tied to particular machined" prong in Bilski.

Bilski-Transformation prong includes:

(1) the data must be represent physical object;

(2) the data must be transformed into a different state or thing;

(3) the method must be limited to practical application of a fundamental principle to transform specific data.

With respect to (1): metadata, as defined in US 2002/0143976 A1 (cited in the final office action) which has provisional application No. 60/274,748, could include program title, content attribute, talent attributes, and on and on and on - see 60/274,748, page 1). As discussed above, the "multimedia asset data file," "content elements," "VOD server," "asset locator," "content provider," "MSO," recited in the claims are not "physical objects" according to Bilski because they are not bones, organ, other body tissues.

With respect to (2), In Bilski, the image from the CAT-SCAN were originally body parts-bones, organ, or body tissue (physical objects) that were transformed into displayed image so that the doctor can make critical decisions (practical application). sending multimedia asset data file and associated metadata from one location to another location is not transformed as stated in Bilski because the multimedia data file

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and associated metadata are not "physical object" as discussed above; in addition, they are not transformed to different state or thing according to Bilski. Instead, they are merely displaced or sent to different location but are still in the same state or thing.

With respect to (3), since the data is not transformed to a different state or thing as discussed in (2), the method is not limited to practical application of **a fundamental principle to transform specific data**.

For at least the reasons given above, rejections of the claims under 35 U.S.C § 101 should be sustained.

B. Claims 25-33, 38, 43, 46-48, 51, and 53-55 and 26-27 are not anticipated

under 35 U.S.C § 103(a) by Headings. (Page 21, paragraph 5-page 26, paragraph 4)

It is noted that claims 25-33, 38, 43, 46-48, 51, and 53-55 and 26-27 are rejected under 35 U.S.C 102(e) as being anticipated by Headings (see final office action, page 16). These claims are not "anticipated under 35 U.S.C 103 (a) by Headings." as argued by Appellant on page 21, section "B").

Appellant argues Headings does not disclose, either expressly or inherently, at least one of: (1) ingesting content and metadata associated with the content provided by a content provider; (2) coordinating distribution of the metadata and the content, the distribution using a pitcher and a catcher, the pitcher transferring the content to a multiple service or system operator (MSO) and the catcher receiving the content; and (3) coordinating uploading the metadata and the content to a server for delivery to an

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end user according to scheduling and business rules provided by the MSO, as recited in claim 25; or (1) an external layer to interface to an application client; (2) a component programmatic application program interface (API) coupled to the external layer to interface to a plurality of engines comprising: (2a) a workflow engine to manage workflows of ingesting a content and metadata associated with the content provided by a content provider, (2b) coordinating distribution of the metadata and the content, and coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or system operator (MSO); and (3) a relational database to store the metadata, as recited in claims 41 and 46 because Heading merely discloses a digital service platform controls the distribution of the media asset, NOT coordinating distribution of the metadata and the content. There is no pitcher to transfer the content to the MSO and there is no catcher to receive the content because content may be stored on a physical medium such as a DVD or a memory stick and is read directly by the Digital Content Service function of DESP 100. In Heading, the consumer selects and order the media content desired. Therefore, the delivery is not according to scheduling and business rules provided by the MSO (page 22, par. 2-page 24, par. 3). This argument is respectfully traversed.

Headings discloses “ingesting content and metadata associated with the content provided by a content provider” (interpreted as depositing content and metadata

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associated with content provided by content supplier – see include, but not limited to, figure 1, paragraphs 0008, 0011-0012, 0028, 0044);

coordinating distribution of the metadata and the content (interpreted as managing or controlling distribution of content and metadata such as title, price, or bit rate, etc. associated with the content-see include, but are not limited to, paragraphs 0008, 0011-0012, 0044, 0050).

Headings further discloses content supplier electronically provides content and associated metadata to service platform 108 and the content and metadata are received by component in service platform 108. Heading further discloses content providers can provide business rules for one or more media assets to the content user (e.g., platform operator) through an interface (e.g., website portal) connected to service platform 108 - see include, but not limited to, figure 1, paragraphs 0027-0033).

Examiner agrees with appellant that content may be stored on a physical medium such as a DVD or a memory stick, which is delivered as read directly by the Digital Content Service function of DESP 100 (Appellant's argument on page 23, paragraph 3).

However, Headings discloses, alternatively, the content supplier may deliver media assets 102 electronically using file transfer protocol methods or other known means of delivery digital data. Content suppliers can remotely deposit its media assets and business rules for one or more media assets to the content user (e.g., platform operator) through an interface (e.g., website portal) connected to service platform 108 (see include, but not limited to, paragraph 0027-0033, 0044). Thus, the distribution must

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be using a pitcher (for example, transmitting interface in content supplier for delivering content) and a catcher (for example, receiving interface in service platform 108 for receiving the delivered content), the pitcher transferring the content to a multiple service or system operator (MSO) and the catcher receiving the content so that the content is transmitted electronically from the content supplier and received at the service platform.

Headings further discloses coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or system operator (MSO) (e.g., controlling and/or managing or determining when and how to transfer/distribute content from service platform and/or supply depository to other location such as media platform for delivery to an end user according to scheduling and business rules provided by and/or stored in service platform - see include, but are not limited to, figures 1, 5-6, 13-14, paragraphs 0008, 0012, 0030, 0033-0044, 0050).

Thus, Heading discloses all elements recited in claim 25.

Headings also discloses “an external layer to interface to an application client” (e.g., service platform interface to an application of content supplier that allow content supplier to provide content and information associated with the content to the service platform- see include, but are not limited to, figure 1, paragraphs 0008, 0028-0030, 0044);

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Headings further discloses a component programmatic application program interface (API) coupled to the external layer to interface with a plurality of engines (e.g., supplier console and/or DESP control console and/or user service console and/or service platform 108 and/or website portal - see include, but not limited to, figure 1, paragraphs 0028, 0031, 0043-0048) comprising:

a workflow engine to manage workflows of ingesting a content and metadata associated with the content provided by a content provider, coordinating distribution of the metadata and the content, and coordinating uploading the metadata and the content to a server (e.g., media server or local server) for delivery to an end user (consumer) according to scheduling (e.g., roll out schedule) and business rules provided by a multiple service or systems operator (MSO) - see discussion in the response to arguments regarding claim 25 above, and paragraphs 0032, 0028-0031, 0035, 0044, 0050; H006: figures 1-2, 14-16, paragraphs 0042, 0044-0045); and

a relational database to store the metadata (e.g., related metadata are indexed and stored in content management system 110 or other designed area (e.g., database 132) -figure 1, paragraphs 0011, 0028, 0034).

Therefore, Heading's disclosures read all elements recited in claims 41 and 46.

With respect to Appellant's argument that Headings merely discloses content to be electronically delivered to the consumer upon consumer ordering, NOT coordinating... (page 24, paragraph 2), the Examiner respectfully disagrees.

As discussed above, Headings discloses the element of "coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by the MSO". In addition, Headings discloses the content suppliers can provide business rules for one or more media assets to the content user (e.g., platform operator) and processor at service platform performs variety of functions such as receiving, storing, and preparing media asset for distribution, periodically update, targeting advertisement, providing recommendations, or stop transmission of particular content to consumers in accordance with business rules (paragraphs 0011-0012, 0028-0032, 0050, 0060). Thus, Headings discloses "coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by the MSO" as recited in the claim.

It is further noted that the claim does not recite the "coordinating.... without user request...". Thus, even the content and/or metadata is provided to the consumer in response to user selection of a title, channel, type of data, etc. (which are provided by content supplier and/or service platform), it is still read in "coordinating...", wherein "scheduling" is read on when user make selection of a title, channel, etc., deliver the content associated with the requested title.

With respect to Appellant's argument that Headings and H782 merely disclose creating a unique identifier or internal title used to track the item data structure for further use. NOT assigning a globally unique identifier to the content based on the content provider

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and a provider asset identifier. There is no evident that the unique identifier mentioned in 782 is based on the provider identifier and a provider asset identifier (page 24, paragraph 4). This argument is respectfully traversed.

Headings discloses "content suppliers" may include entities that own the content, have rights to the content (par. 0007) or content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and receive periodic royalty payments on that asset in according to with their business rules..., and the title or other information associated with the asset also allow to control distribution, or to keep track of the usage of the asset (par. 0012, 0030,0044, H782, par. 0033). Headings further discloses the content is provided over the Internet/online (see include, but not limited to, paragraphs 0008-0011). Thus, the related data, title, or unique identifier of the asset is "globally unique identifier" since this information is used to identify a particular asset globally (through online/Internet). This title, or unique identifier of the asset must be assigned based on the provider identifier and a provider asset identifier in order to keep track of the usage of the asset and to provide royalty payment on the asset to content supplier.

Appellant further argues Headings does not disclose validating the content and metadata using the business rules (page 25, paragraphs 3-4). This argument is respectfully traversed.

Headings discloses content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and receive periodic royalty

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payments on that asset in accordance with their business rules.... "Business rules" define the parameters (e.g., geographic location, bit rate service, price, price range, method of delivery, time frame available of offering the media content to consumers) for using a particular media asset. For example, business rules for a first run movie may require the content user to sell the movie at a set price.... (see include, but not limited to, par. 0012, 0030, 0044, H782, par. 0033) and service platform having a processor operable to perform a variety of functions such as receiving, storing, limit number of access time, periodically updating, check for expiration, preparing media assets for distribution to consumers in accordance with business rules ...(paragraphs 0031-0033). Thus, the metadata and the content must be validated in accordance with/using the business rules in order to manage, control, distribute or to keep track of usage of particular media asset in accordance with business rules (for example, the media asset and metadata must be validated in accordance with business rules in order to determine whether the asset is available (according to time frame available), price for first run movie before charging the user (based on a set price), whether the time is expired, number of access times have been reached, etc.).

With respect to Appellant's argument regarding rejection of claim 33 (page 26, paragraph 2), please refer to Examiner's response regarding pitcher and catcher above.

For the reasons given above, Heading's disclosures read on all elements recited in claims 25, 41, 46.

C. Claim 52 is not obvious under 35 U.S.C § 103(a) Over Headings in view of Buehl. (page 26, last three lines -page 27, paragraph 5).

Appellant argues Headings in view of Buehl does not disclose at least one of: (1) - (3) as above under the 102(e) rejection; and (4) the distribution channel comprises a satellite uplink facility and the downlink channel comprises a satellite downlink facility because Buehl merely discloses a high speed distribution network 25 for transmission to subscribers downstream in the network, not a satellite uplink facility (page 27, paragraphs 2-3). This argument is respectfully traversed.

Headings discloses at least one of: (1) – (3) as discussed above. Buehl is relied on for the teaching of distribution channel comprises satellite uplink facility and the downlink channel comprises a satellite downlink facility. Particularly, Buehl discloses the high speed distribution network 25 includes one or more satellite component and links for high speed data transmission of content and/or service to the head end (figure 1, paragraph 26). Thus, the distribution channel comprises a satellite uplink facility (e.g., content/service provider provides uplink to the satellite) and the downlink channel comprises a satellite downlink facility (e.g., downlink facility in head end for receiving data in downlink channel from satellite to the head end).

Therefore, the combination of Headings and Buehl is read on all limitations of claim 52.

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D. **Claims 1-24, and 34 are not obvious under 35 U.S.C § 103(a) over Headings in view of Sim.** (page 27, par. 6-page 30, par. 3).

Appellant argues Headings and Sim do not disclose or render obvious, at least one of: (1) receiving metadata associated with a multimedia asset data file provided by at least one of a content provider and a multiple service or systems operator ("MSO"), the multimedia asset data file having a content element with which the metadata is associated and being delivered to end users upon requested, the metadata related to at least accuracy of delivery of the multimedia asset data file; (2) validating the multimedia asset data file and the associated metadata comply with business rules provided by the MSO; (3) coordinating delivering the multimedia asset data file and associated metadata to a video on demand ("VOD") server maintained by the MSO, wherein coordinating delivering comprises (3a) tracking distributing the multimedia asset data file from the content provider to the MSO, and (3b) tracking uploading the multimedia asset data file from the MSO to the VOD server; and (4) providing usage reports relating to usage of multimedia asset data files by end users of the MSO (page 28, paragraph 2-page 30, paragraph 2). Particularly, Appellant argues Headings does not disclose the metadata related to at least accuracy of delivery of the multimedia asset data file (page 28, paragraph 3). This argument is respectfully traversed.

For arguments correspond to arguments in section B, please see examiner's responses to those arguments in section B.

With respect to argument that Headings does not disclose the metadata related to at least accuracy of delivery of the multimedia asset data file, Headings discloses the metadata and business rules such as geographic location, bit rate service, price, method of delivery, time frame available for offering the media content to consumer, title, authors, tracking information, etc. associated with the media content assets provided by the content supplier and/or operators are used to control delivery of the content (e.g., when particular title is selected, content associated with the selected title is delivered, or only particular content are targeted, recommend to the user or to particular geographic location, etc.) - see include, but not limited to, figure 1, paragraphs 0008, 0011-0012, 0014, 0028, 33, 35, 44, 46, 50, 59-60; H782: paragraphs 27,29, 33-35; H925: paragraphs 0006-0007). Thus, the metadata related to at least accuracy of delivery of multimedia asset data file.

With respect to argument about "validating the multimedia asset data file..." (pages 28-29, bridge paragraph), please see response to claim 29 in section B. above. In addition, please see interpretation of this limitation in the rejection of claim 1 above.

Applicant argues Sim disclose distributing a large video file, it may not include the content elements and the metadata associated with each element. Sim neither disclose the popularity index being provided by the content provider, not by the multiple service/system operator (MSO). Sim does not disclose a MSO and/or a VOD server. Sim does not disclose coordinating delivering that comprises tracking distributing the multimedia asset data file from the content provider to the MSO and tracking uploading

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the multimedia asset data file from the MSO to the VOD server. The combination of Headings and Sim is improper because Sim does not disclose MSOs or VOD server (page 29-paragraph 2-page 30, paragraph 2). This argument is respectfully traversed.

As discussed in the rejection and in section "B" above, Headings is relied on for the teachings of providing multimedia asset data files and metadata associated to multimedia asset data file. Headings also discloses at least one of content provider and MSO provide metadata (e.g., content supplier and/or MSO provides metadata and/business rules). Headings also discloses MSO (102,104,106...) and VOD server (e.g., VOD platform and/or media platform and disk storage) – see include, but not limited to, figure 1, paragraphs 0011-0012, 0027-0032, 0050). Sim also discloses content provider uploads content files to the CMS, the CMS processes and breaks it down into track files with associated metadata. The track files/assets are provided to and stored at different distribution stations. The distribution station provides media content/asset content to user upon request. The transmission of the media content file from content provider to CMS and from CMS to other distribution station are tracked (see include, but not limited to, figures 5-6, 13-14, paragraphs 0102-0111, 0204, 0082, 0086, 0108 and discussion in the rejection of claim 1 above). The distribution station is read on the VOD server because it performs function of VOD server (i.e., provides content to user upon request/demand). Thus, claimed MSO and VOD are also read on the CMS and distribution station respectively in Sim. The teaching of tracking distributing asset data file from content provider to MSO and from MSO to VOD is read

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on tracking delivery of asset content from content provider to CMS and from CMS to other distribution station using metadata and/or "ack"/notification.

Appellant argues Sim does not track receipt of the media data file. Sim does not disclose a catcher or a pitcher and therefore, cannot disclose receiving an alarm signal if one of the elements is not successfully received by the catcher appliance as received in claim 8 (page 30, paragraph 3). This argument is respectfully traversed.

Examiner maintains interpretation of tracking receipt... as Sim's disclosure as tracking receiving of the asset file/content via "ack"/notification as discussed in the rejection of claim 3. The pitcher and catcher are taught by Headings as discussed in section "B" above. In addition, Sim further discloses the MCS and/or distribution perform function of pitcher (i.e., delivery media content file/asset file) and catcher (receiving media file/media asset) - see include, but not limited to, figures 4-6, 13-14, paragraphs 0102-0111, 0204, 0082, 0086, 77, 94, 166). Thus, Sim discloses pitcher and catcher. Examiner also maintains the interpretation of "receiving an alarm if one of the elements...." by Sim's disclosure of receiving notification, error indicating the portion of the content is not received/missing at the distribution server/edge server as discussed in the rejection of claim 8.

E. **Claims 35-37, 44-45, and 49-50 are not obvious under 35 U.S.C 103 (a) Over Headings in view of Ellis.**

Appellant argues Headings and Ellis do not disclose or render obvious, at least one of: (1) - (3) as above under the 102(e) rejection; (4a) receiving a schedule request from a server; (4b) providing a customized—or localized master schedule for the MSO to the server, the master schedule having an asset locator; (4c) receiving a metadata locator corresponding to the content from the server; (4d) providing an asset locator to the server in response to the metadata locator, the server retrieving an element of the content from a catcher using the asset locator; and (4e) interacting with the server during transfer of the element of the content from the catcher to the server because the channel source or time in Ellis does not identify the location of the asset (page 30, par. 4-page 32, par. 1). This argument is respectfully traversed.

For the arguments correspond to arguments in section "B" above, examiner's responses correspond to responses in section "B" above.

For argument that Ellis does not disclose receiving a schedule request or a customized or localized master schedule for the MSO. The user preference profile, viewing history, etc. are not related to the schedule request or the master schedule for the MSO. Ellis does not disclose coordinating uploading (page 31, paragraph 3), the examiner respectfully disagrees.

the feature "coordinating uploading" or providing a customized or localized master schedule for the MSO to the server, the master schedule having an asset locator... is already taught by Headings as discussed above and in the rejection of claim 35 above

Heading is relied on for the teaching of receiving a schedule request from a server as recited in claim 35. The office action further indicates that Ellis also discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset location as an alternative rejection to indicate that this feature is known in the art (please refer to the rejection of claim 35 above).

Ellis discloses receiving request for a particular schedule from local server (e.g., user press "guide" key on user input device or an icon on screen to request program guide listing from program guide server - see include, but not limited to, figures 5-8c, paragraphs 0039, 0044, 0048, 0068) reads on receiving a schedule request from a server as claimed. Ellis further discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset locator (distributing a customized program guide schedule to television distribution facility/node, and the program guide having asset locator such as channel source, time, etc. – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007, 0039, 0044, 0046, 0048, 0068).

With respect to Appellant's argument asset locator is used to locate asset or content, the channel source, time, etc. does not identify the location of asset (page 31, paragraph 5). This argument is respectfully traversed.

Ellis discloses user selection a particular channel link, title link, program name link, time link, etc. to locate content, asset (see include, but not limited to, figures 5-11, 15-20c; E988: 10-18a).

With respect to Applicant's argument there are significant differences between the cited references and the claimed invention and there is no apparent reason to combine the known elements (page 32, paragraph 2-page 33, paragraph 3), the Examiner respectfully traverses.

Discussing the question of obviousness of claimed subject matter involving a combination of known elements, *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), explains: When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Sakraida [v. AG Pro, Inc.]*, 425 U.S. 273 (1976)] and *Anderson 's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 163 USPQ 673 (1969). In this case, all elements in the claims are known by prior art (combination of Headings and Buehl or combination of Headings and Sim or combination of Headings and Ellis) and it would have been obvious to one of ordinary skill in the art to combine of known elements for benefits as discussed in the previous office action or in the rejections of claims 1-55 above. Therefore, the combinations of the cited references are proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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